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## Netherlands

### FAIRS Country Report

### Annual

### 2008

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U.S. Embassy The Hague

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**DISCLAIMER:** This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in The Hague, the Netherlands for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparations of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. Final approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.

## Section I. FOOD LAWS

EU legislation is made up of Directives and Regulations which must be translated into the 23 official languages in use in the EU-27. Directives define the result that must be achieved but leave to each Member State the choice of form and methods to transpose the directive into national laws (usually within 2-3 years after adoption). Regulations are binding in their entirety and automatically enter into force on a set date in all Member States. Amendments to EU legislation are usually published in new and separate Directives and Regulations.

A Decision is binding entirely on those to whom it is addressed. No national implementing legislation is required. A Recommendation has no binding effect as it is not a law.

### Harmonization with the EU

<http://useu.usmission.gov/agri/harmonization.html>

The Netherlands, as a member of the EU, conforms to all EU regulations and directives. **This report therefore should be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) – Country Report written by the U.S. Mission to the EU in Brussels, Belgium – GAIN Report E48078.**

Regulation (EC) 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation; there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or aspects, which are not regulated in detail at EU level, may be handled differently in different member states.

### The Netherlands

The Dutch Food and Drugs Law is called "Warenwet." This Warenwet provides the Dutch regulatory framework for all food and non-food products. It is applicable to domestically

produced and imported products. Revisions of the Dutch Food and Drugs Law are published in the "Staatscourant". The Food and Drugs Law and revisions can be found on <http://wetten.overheid.nl>. At this website all other Dutch legislation can be found as well. (NOTE: website is in Dutch).

The task of the Food and Consumer Product Safety Authority (VWA) is to protect human and animal health. It monitors food and consumer products to safeguard public health and animal health and welfare. The VWA is an independent agency in the Ministry of Agriculture, Nature and Food Quality and a delivery agency for the Ministry of Health, Welfare and Sport.

The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, the Netherlands

Phone: +31- (0)70-4484848

Fax: +31- (0)70-4484747

[www.vwa.nl](http://www.vwa.nl)

[info@vwa.nl](mailto:info@vwa.nl)

The Ministry of Agriculture, Nature and Food's Plant Protection service (PD) is responsible for the phytosanitary inspections on imported products. An overview of plant products that are subject to inspection can be found at

[http://www.minlnv.nl/portal/page?\\_pageid=116,1640321&\\_dad=portal&\\_schema=PORTAL&p\\_file\\_id=15774](http://www.minlnv.nl/portal/page?_pageid=116,1640321&_dad=portal&_schema=PORTAL&p_file_id=15774). This website is updated regularly. For more information or questions for the PD, contact:

Plantenziektenkundige Dienst (PD)

Geertjesweg 15

Postbus 9102

6706 EA Wageningen

Phone: +31 (0)317-496911

Fax: +31 (0)317-421701

[pd.info@minlnv.nl](mailto:pd.info@minlnv.nl)

[www.minlnv.nl/pd](http://www.minlnv.nl/pd)

## Section II. LABELING REQUIREMENTS

### A. General requirements

In the Netherlands, the labeling requirements have been laid down in the *Warenwetbesluit etikettering van levensmiddelen* and can be found at <http://wetten.overheid.nl>. The Netherlands follows EU legislation. For more detailed information, the reader may refer to the Dutch legislation, which is given in italics next to each item.

#### Compulsory information:

Description: *Warenwetbesluit Etikettering van Levensmiddelen, art. 4*

List of ingredients: *Warenwetbesluit Etikettering van Levensmiddelen, art. 6*

Allergens: *Warenwetbesluit Etikettering van Levensmiddelen*

Quantitative Ingredients Declaration (QUID): *Warenwetbesluit Etikettering van Levensmiddelen, art. 10*

Net quantity: *Warenwetbesluit Etikettering van Levensmiddelen, art. 11*

Shelf-life: *Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and art. 17*

For a shelf-life up to 3 month after the date of production	Tenminste houdbaar tot (best before)  Day, Month, (Year)
For a shelf-life between 3 and 18 months	Tenminste houdbaar tot einde (best before end)  Month, year
For a shelf-life longer than 18 months	Tenminste houdbaar tot einde (best before end)  Year
For Highly perishable foodstuffs	Te gebruiken tot (use by)  Day, Month, (Year)  In addition to the date, the instructions for storage have to be mentioned as well

Name and address: *Warenwetbesluit Etikettering van Levensmiddelen, art. 19*

Place of origin: *Warenwetbesluit Etikettering van Levensmiddelen, art. 20*

Instructions for storage and/or use: *Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and art. 17*

Percentage of alcohol: *Warenwetbesluit Etikettering van Levensmiddelen, art. 21*

Lot marking: *Warenwetbesluit Etikettering van Levensmiddelen, art. 22*

**Additives:** *Warenwetbesluit Etikettering van Levensmiddelen, art. 7*

**Quinine and caffeine:**

*Warenwetbesluit bereiding en behandeling van levensmiddelen in verband met de etikettering van levensmiddelen met kinine en cafeïne*

**Language requirements:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 23*

**Stick-on labels:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 24*

**Samples:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 1*

**Institutional packed products:**

*Warenwetbesluit Etikettering van Levensmiddelen, art. 24*

**Exceptions:**

Only the Federal Minister of agriculture can grant an exception to the existing labeling regulations. The granting of an exception would be very rare.

**B. Medical/Health/Nutrition Claims**

On July 1, 2007, a new regulation on nutrition and health claims entered into force. Regulation 1924/2006 sets EU-wide conditions for the use of health and nutrition claims. For the approval of these claims, U.S. exporters and/or Belgian importers can send the text (claim) to:

KOAG/KAG

Postbus 90445,

1006 BK Amsterdam, the Netherlands

Phone: +31-(0)20-7130720

Fax: +31-(0)20-7130721

Email: [keuringsraad@koagkag.nl](mailto:keuringsraad@koagkag.nl)

[www.koagkag.nl](http://www.koagkag.nl). (Code voor de Aanprijzing van Gezondheids-producten)

**Requirements specific to nutritional labeling**

*Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering*

**C. Product-Specific Labeling**

See Section VII

**Section III. PACKAGING AND CONTAINER REQUIREMENTS****A. Pack sizes**

New Directive 2007/45/EC abolishes regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, coffee and white sugar. Member States in which mandatory nominal quantities are prescribed for milk, butter, dried pasta and coffee may maintain their restrictive rules until October 2012. The rules for white sugar may be maintained until October 2013. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC  
*Warenbesluit containers*

**C. Material in contact with food stuffs**

*Warenwetbesluit Verpakkingen en Gebruiksartikelen*  
*Verpakkingsverordening productschap dranken 2003*  
*Regeling Verpakkingen- en Gebruiksartikelen*

**Section IV. FOOD ADDITIVE REGULATIONS****Additives:**

*Warenwetbesluit Levensmiddelenadditieven*

All additives not included on these positive lists are prohibited except for new food additives that receive a temporary authorization by Member States. Throughout the years there have been only a few food additives temporarily authorized by The Netherlands. The VWA can be contacted on temporary authorizations.

**Sweeteners:**

*Warenwetbesluit Zoetstoffen*

**Colors:**

*Warenwetregeling Gebruik van kleurstoffen in levensmiddelen*

**Miscellaneous additives:**

*Warenwetregeling Gebruik van Additieven met Uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen*

**Labeling requirements for additives:**

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. The Ministers of Health, Welfare and Sports, of Agriculture, Nature and Food Quality, and of Economic Affairs can approve this. To request two-year authorization for marketing of a new additive, contact:

The VWA  
P.O. Box 19506  
2500 CM The Hague, The Netherlands  
Phone: +31- (0)70-4484848  
Fax: +31- (0)70-4484747  
[www.vwa.nl](http://www.vwa.nl)  
[info@vwa.nl](mailto:info@vwa.nl)

**Section V. PESTICIDE AND CONTAMINANTS**

The legislation on pesticides and contaminants is partially harmonized in the EU. Enforcement of both EU and remaining Member State rules is done at the Member State level.

The existing legislation that establishes MRLs for pesticides in food is currently in a transitional phase. The current situation in the EU is still characterized by a dual system where EU and national MRLs for pesticides coexist. However, as of September 2, 2008 all MRLs will be harmonized at the EU level. Framework Regulation 396/2005 will then become fully applicable and will replace the currently applicable Directives 86/362/EEC, 86/363/EEC and 90/642/EEC.

Regulation 396/2005 becomes fully applicable six months after publication of the first four Annexes in the Official Journal. Annex I was published in 2006; Annexes II, III and IV were published at the beginning of March 2008 which means that Regulation 396/2005 will become fully applicable at the beginning of September 2008.

For the Netherlands, the MRLs for the various products are updated quarterly and can be found on <http://www2.rikilt.dlo.nl/vws/index.html>.

The large majority of the MRLs that are set in the 'Decree on Residue of Pesticides' are direct implementations of the EU MRLs. For the few national MRLs, The Board for the Authorization of Pesticides (CTB) evaluates data and proposes MRLs. Ministry of Health is responsible (after consulting the Ministry of Agriculture) for establishing MRLs and implementing the legislation.

For more information:

Ministry of Health, Welfare and Sport  
2500 EJ The Hague, The Netherlands  
[www.minvws.nl](http://www.minvws.nl)

*Bestrijdingsmiddelenwet 1962*

For more information on the harmonization of all MRLs at EU level, please check <http://www.useu.be/agri/pesticides.html>

## **Section VI. OTHER REGULATIONS AND REQUIREMENTS**

Criteria for laboratories conducting food controls have been harmonized but it is the Member States' responsibility to designate laboratories that are allowed to perform analyses. A list of laboratories designated by the Netherlands to perform analysis can be found at the following internet link, [www.rva.nl](http://www.rva.nl). Different laboratories are accredited for the different type of controls.

Dutch Accreditation Council (RVA)  
P.O. Box 2768  
3500 GT Utrecht, The Netherlands  
T: +31 (0)30 23 94 500  
F: +31 (0)30 23 94 539  
[postmaster@rva.nl](mailto:postmaster@rva.nl)

## **Section VII. OTHER SPECIFIC STANDARDS**

### **D. Dietetic or special use foods**

*Warenwetbesluit Producten voor Bijzondere Voeding*

Specific directives on foods and beverages for sports people or on foods intended for diabetics are still subject to Member State legislation. The introduction of foodstuffs intended for particular nutritional uses for which no specific rules are set must be notified to the Member State where the food is sold. The competent authority for the Netherlands is:

Food and Consumer Product Safety (VWA)  
Authority  
P.O. Box 19506  
NL - 2500 CM The Hague, The Netherlands  
Mrs. Yvonne Huigen  
Tel: + 31 70 448 4806  
Fax: + 31 70 448 4061  
E-mail: [yvonne.huigen@vwa.nl](mailto:yvonne.huigen@vwa.nl)

### **F. Organic foods**

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. For the importation of organic products from outside the EU, the Dutch importer needs an import certificate and an import authorization. The import certificate is issued by Skal\* while the import authorization is issued by Dienst Regelingen\*\*, the executive body of the Ministry of agriculture.

\* SKAL

P.O. Box 384  
8000 AJ Zwolle, Netherlands  
Ph: +31 (0)38 426 8181  
Fax: +31 (0)38 421 3063  
[info@skal.nl](mailto:info@skal.nl)  
[www.skal.nl](http://www.skal.nl)

\*\*Dienst Regelingen  
P.O. Box 965  
6040 AZ Roermond, the Netherlands  
Phone: +31 (0)475 355 444  
Fax: +31 (0)475 318 939

Detailed rules for implementing the provisions concerning the certificate of inspection for import from third countries are laid down in Commission Regulation 605/2008. Certifiers of U.S. organic products must use the EU certificate format for products to be exported to the EU. An original certificate must accompany the good and is verified at the border by the member state authorities. Goods are not released until the authorities have verified that a valid import authorization has been granted for the consignment. Member states have several options for implementing the regulation, which means that procedures may differ from member state to member state.

Proposal: A proposal to replace the current national import authorization system with a new permanent import regime is being discussed. The new system would use technical equivalency evaluations to authorize imports from third countries. This proposal has not yet been published.

#### **J. Irradiated products**

Harmonization of EU rules on food irradiation has been slow and only a few products have so far received EU- wide approval. In the Netherlands, if the product or the product ingredient has been irradiated, this must be stated by mentioning the word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld". *Warenwetbesluit Etikettering van Levensmiddelen, art. 4*

### **Section VIII. COPYRIGHT AND/OR TRADEMARK LAWS**

#### **Copyright**

The Netherlands and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, works by U.S. authors, copyrighted in the U.S., are also protected in the Netherlands.

#### **Trademarks**

Trademark registration in the Netherlands is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:  
Benelux Merkenbureau (Benelux Trademark Office)  
Bordewijklaan 15  
2591 XR The Hague, the Netherlands  
Phone: +31-(0)70-3491111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection to all nine EU countries that signed the convention.

### **Section IX. IMPORT PROCEDURES**

Council Regulation 2913/92 establishes the Community Customs Code. Commission Regulation 2454/93 lays down provisions for the implementation of the Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With



the implementation of the Code, the Member States of the European Union form a customs union which means that all the Member States apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one Member State, it can move freely throughout the EU.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties:

[http://ec.europa.eu/taxation\\_customs/dds/tarhome\\_en.htm](http://ec.europa.eu/taxation_customs/dds/tarhome_en.htm)

It is also possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. Information on how to obtain a BTI can be downloaded from the European Commission's Taxation & Custom's website at:

[http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/tariff\\_aspects/classification\\_goods/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/classification_goods/index_en.htm)

A list of customs authorities can be found at:

[http://ec.europa.eu/taxation\\_customs/common/links/customs/index\\_en.htm](http://ec.europa.eu/taxation_customs/common/links/customs/index_en.htm)

The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces)
- additional duties on flour and sugar (processed products)
- entry price (fruit and vegetables)
- environmental taxes - not harmonized
- inspection fees - not harmonized
- Value Added Tax (VAT) - not harmonized
- excise duties (alcohol and tobacco) - not harmonized

A list of VAT rates applicable in the different Member States can be found on the Internet at:

[http://ec.europa.eu/taxation\\_customs/taxation/vat/consumers/vat\\_rates/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/vat/consumers/vat_rates/index_en.htm)

A list of excise duties applicable on alcoholic beverages and tobacco can be found at:

[http://ec.europa.eu/taxation\\_customs/taxation/excise\\_duties/alcoholic\\_beverages/rates/index\\_en.htm](http://ec.europa.eu/taxation_customs/taxation/excise_duties/alcoholic_beverages/rates/index_en.htm) and

[http://ec.europa.eu/comm/taxation\\_customs/taxation/excise\\_duties/tobacco\\_products/rates/index\\_en.htm](http://ec.europa.eu/comm/taxation_customs/taxation/excise_duties/tobacco_products/rates/index_en.htm) respectively.

Other customs procedures described in detail in the Code include entry into free zones, situations where no import duty is payable: e.g. the inward processing regime, under which goods can be imported for processing but the finished product must be exported from the Community market. The Code also provides for a two-stage right of appeal lodged in the Member State where a decision has been taken or applied for: in the first instance to the customs authority, then to the national courts.

Proposal: A proposal establishing rules for the implementation of a "Modernized Customs Code" (MCCC) is expected to be finalized and adopted by the beginning of 2009. The MCCC would simplify existing legislation through promoting the concept of "centralized clearance" and the development of "Single Window" and "One-Stop-Shop" concepts.

More info on the Dutch customs offices can be obtained at:

<http://www.belastingdienst.nl/9229237/v/e-index.htm>

Customs provides information of imports from which the VWA selects the lots for further inspection. Regulation 2004/882/EC sets out the standards for control of compliance with the General Food Law.

The Plant Protection service (PD) is the body within the Dutch Ministry of Agriculture that is responsible for the phytosanitary inspections on imported products. An overview of plant products that are subject to inspection can be found at

[http://www.minlnv.nl/portal/page?\\_pageid=116,1640321&\\_dad=portal&\\_schema=PORTAL&p\\_file\\_id=15774](http://www.minlnv.nl/portal/page?_pageid=116,1640321&_dad=portal&_schema=PORTAL&p_file_id=15774).

This website is updated regularly. For more information or questions for the PD, contact:

Plantenziektenkundige Dienst (PD)

Geertjesweg 15

Postbus 9102

6706 EA Wageningen

Phone: +31 (0)317-496911

Fax: +31 (0)317-421701

[pd.info@minlnv.nl](mailto:pd.info@minlnv.nl)

[www.minlnv.nl/pd](http://www.minlnv.nl/pd)

Since September 1, 2007, the Ministry of Agriculture, Nature and Food Quality has transferred the inspection tasks of its PD to the horticulture sector's 4 inspection bodies: NAK (Netherlands General Inspection Service for Agricultural Seeds and Seed potatoes), NAK-tuinbouw (Netherlands Inspection Service for Horticulture), BKD (Flower Bulb Inspection Service) and KCB (Quality Control Bureau for Vegetables and Fruit). These four agencies carry out import inspections to detect plant diseases, as well as quality control inspections on fruit and vegetables. The Minister of Agriculture, Nature and Food Quality retains ultimate responsibility for these matters.

More information about the Dutch import regulations and standards can be obtained by contacting FAS/The Hague:

Office of Agricultural Affairs

U.S. Embassy

Lange Voorhout 102

2514 EJ The Hague, The Netherlands

Tel: +31-(0)70-3102299

Fax: +31-(0)70-3657681

Email: [agthehague@fas.usda.gov](mailto:agthehague@fas.usda.gov)

[www.usembassy.nl/fas.html](http://www.usembassy.nl/fas.html)

## **Appendix I. GOVERNMENT REGULATORY AGENCY CONTACTS**

1) Ministry of Agriculture, Nature and Food Quality

PO Box 20401

2500 EK The Hague, The Netherlands

Phone: +31 (0)70 378 6868

[www.minlnv.nl](http://www.minlnv.nl)

2) Ministry of Health, Welfare and Sport

PO Box 20350

2500 EJ The Hague, The Netherlands

Phone: +31 (0)70 340 7911

[www.minvws.nl](http://www.minvws.nl)

3) The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, The Netherlands

Phone: +31-(0)70-4484848

Fax: +31-(0)70-4484747

[www.vwa.nl](http://www.vwa.nl)

[info@vwa.nl](mailto:info@vwa.nl)

4) Plantenziektkundige Dienst (PD)

Ministry Agriculture, Nature and Food Quality Geertjesweg 15

Postbus 9102

6700 HC Wageningen

Phone: +31-(0)317-496911

Fax: +31-(0)317-421701

[www.minlnv.nl/pd](http://www.minlnv.nl/pd)

## Appendix II. OTHER IMPORT SPECIALIST CONTACTS

1) Stichting Skal

P.O. Box 384

8000 AJ Zwolle, Netherlands

Ph: +31 (0)38 426 8181

Fax: +31 (0)38 421 3063

[info@skal.nl](mailto:info@skal.nl)

[www.skal.nl](http://www.skal.nl)

2) Netherlands Association for the trade in dried fruit, spices and allied products

Ms. Barbara Niemans

Bezuidenhoutseweg 82

2594 AX The Hague, The Netherlands

Phone: +31 (0)70 383 3011

Fax: +31 (0)70 347 5253

[secretariaat@nzv-org.nl](mailto:secretariaat@nzv-org.nl)

[www.zuidvruchten.nl](http://www.zuidvruchten.nl)

3) Frugi Venta

Netherlands Association for the trade in fresh fruit and vegetables

Bezuidenhoutseweg 82

2594 AX The Hague

PO Box 90410

2509 LK The Hague

Phone: +31 (0)70 33 55 010

Fax: +31 (0)70 33 55 020

[info@frugiventa.nl](mailto:info@frugiventa.nl)

[www.frugiventa.nl](http://www.frugiventa.nl)

